

EXHIBIT A

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

NATHAN SCOTT
Plaintiff

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC
Defendant

No. AR-21-002740

Type of Pleading:

COMPLAINT IN CIVIL ACTION

Filed on behalf of Plaintiff,

NATHAN SCOTT

Counsel of Record for this Party:

Mark G. Moynihan
PA ID No. 307622

Moynihan Law PC
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**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
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NATHAN SCOTT
Plaintiff

Case No. AR-21-002740

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC
Defendant

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objection to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lawyer Referral Service, The Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue, Pittsburgh, PA 15219
Telephone: (412) 261-5555

HEARING NOTICE

You have been sued in court. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 702 of the Allegheny County City-County Building, 7th Floor, 414 Grant Street, Pittsburgh, Pennsylvania, 15219 on

October 20, 2021 at 9:00 A.M. If you fail to file the response described in the Notice to Defend, a judgment for the amount claimed in the Complaint may be entered against you before the hearing.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.
If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

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Plaintiff

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Defendant

COMPLAINT IN CIVIL ACTION

Nathan Scott ("Plaintiff") brings this action against Portfolio Recovery Associates, LLC ("Defendant"), and alleges as follows:

NATURE OF THE ACTION

1. This action is brought against Defendant for its violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 *et seq.*, by making false and misleading representations and using unfair practices in connection with their debt collection activity.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction under 42 Pa. C.S. § 931 and 15 U.S.C. § 1692k.

3. This Court has personal jurisdiction over Defendant under 42 Pa. C.S. § 5301.

4. Venue is proper under Pa. R. Civ. P. 2179 because Defendant regularly conducts business in this county and this is the county where the cause of action arose.

PARTIES

5. Plaintiff is a natural person who resides in Allegheny County, Pennsylvania.

6. Defendant is a business entity with its principal place of business in Norfolk, Virginia.

7. Defendant purchases defaulted consumer debt to collect for profit.

8. Defendant purchases defaulted consumer debt for pennies on the dollar.

9. Defendant collects the debt they purchase, either directly or indirectly, by calling consumers, sending letters to consumers, and filing lawsuits against consumers.

10. Defendant uses instrumentalities of interstate commerce, such as telephone, mail, and the internet, to collect the debt they purchase.

FACTUAL ALLEGATIONS

11. On January 21, 2020, Defendant filed a collection complaint against Plaintiff in the Magisterial District Courts of Allegheny County, Pennsylvania.

12. Defendant claimed it was assigned a debt that was owed by Plaintiff (the "Debt").

13. On March 4, 2020, Plaintiff received a judgment in his favor and against Defendant.

14. Defendant did not appeal the decision entered in the Magisterial District Court.

15. Several months later Plaintiff obtained his credit reports from TransUnion, Experian, and Equifax, all dated July 1, 2020.

16. Despite knowing that Plaintiff owed nothing to Defendant on the Debt, Defendant falsely reported the Debt to TransUnion with a balance due of \$1,327 on June 27, 2020 in an attempt to collect the Debt.

17. Despite knowing that Plaintiff owed nothing to Defendant on the Debt, Defendant falsely reported the Debt to Experian with a balance due of \$1,327 on June 27, 2020 in an attempt to collect the Debt.

18. Despite knowing that Plaintiff owed nothing to Defendant on the Debt, Defendant falsely reported the Debt to Equifax with a balance due of \$1,327 on June 27, 2020 in an attempt to collect the Debt.

19. Defendant intentionally and/or negligently reported false information to TransUnion, Experian, and Equifax about the Debt by reporting that a balance was due to Defendant, when a Court had determined that it was not.

20. As a result of Defendant's actions, Plaintiff suffered a reduced credit rating and false information about him was disseminated to credit reporting agencies.

COUNT I
Violation of the Fair Debt Collection Practices Act
15 U.S.C. §§ 1692 *et seq.*

21. Plaintiff repeats and re-alleges all prior allegations as if set forth at length herein.

22. Plaintiff is a consumer under the FDCPA, the Debt is a debt under the FDCPA, and Defendant is a debt collector under the FDCPA. 15 U.S.C. §§ 1692a(3), (5), (6).

23. Defendant's actions and practices described herein constitute as: false, deceptive or misleading representations or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e; and/or unfair or unconscionable means to collect or attempt to collect a debt, in violation of 15 U.S.C. § 1692f.

24. As a result of Defendant's failure to comply with the provisions of the FDCPA, and the resulting injury and harm Defendant's failures caused, Plaintiff is entitled to actual damages, statutory damages and attorney's fees and costs under 15 U.S.C. § 1692k.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief, within the arbitration limits of this court:

- a. An order awarding actual, statutory, and all other damages available by law, along with pre-and post-judgment interest;
- b. An order awarding attorney's fees and costs;
- c. An order declaring Defendants' conduct unlawful; and
- d. An order awarding all other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury as to all issues so triable upon appeal or removal.

Respectfully submitted,

MOYNIHAN LAW, PC

Dated: June 25, 2021

By /s/ Mark G. Moynihan
Mark G. Moynihan

Counsel for Plaintiff

VERIFICATION

I, NATHAN SCOTT, Plaintiff herein, hereby depose and say subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

/s/ Nathan Scott
NATHAN SCOTT

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NATHAN SCOTT
Plaintiff

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Type of Pleading:

PORTFOLIO RECOVERY ASSOCIATES, LLC
Defendant

**PROOF OF SERVICE BY
CERTIFIED MAIL ON
DEFENDANT PURSUANT TO
P.A.R.C.P. 405(c)**

Filed on Behalf of Plaintiff,

NATHAN SCOTT

Counsel of Record for this Party:

Mark G. Moynihan, Esquire
PA ID No. 307622

Moynihan Law, P.C.
2 Chatham Center, Suite 230
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**PROOF OF SERVICE BY CERTIFIED MAIL ON DEFENDANT
PURSUANT TO P.A.R.C.P. 405(c)**

Plaintiff's Complaint was served on Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC by certified mail on **July 7, 2021** at 120 Corporate Blvd, Norfolk, VA 23502 as evidenced by the attached copy of the return receipt signed by Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC, or its agent and the attached printout from the USPS website.

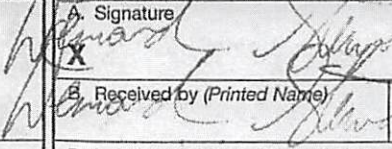
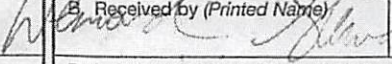
MOYNIHAN LAW PC

Dated: August 3, 2021

By:



Mark G. Moynihan, Esquire
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																	
<p>1. Article Addressed to:</p> <p>Portfolio Recovery Associates, LLC 120 Corporate Blvd Norfolk, VA 23502</p>		<p>B. Received by (Printed Name) </p>	<p>C. Date of Delivery</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7017 3040 0000 9360 9409</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>9590 9402 3476 7275 2795 59</p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt																	

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70173040000093609409[Remove X](#)

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July 7, 2021 at 11:07 am
NORFOLK, VA 23502

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Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing PROOF OF SERVICE BY
CERTIFIED MAIL ON DEFENDANT PURSUANT TO PA.R.C.P. 405(c) was served by First
Class U.S. Mail, postage prepaid, on the Defendant at the address listed below on the date set
forth below.


To:

Portfolio Recovery Associates, LLC
120 Corporate Blvd
Norfolk, VA 23502

MOYNIHAN LAW PC

Dated: August 3, 2021

By:



Mark G. Moynihan, Esquire
Attorney for Plaintiff